



IBM Docket No. RAL919990012US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: June 14, 2001

In re Application of: R. F. Pan, et al.

Serial Number: 09/770,165

Filed: Jan. 26, 2001

For: Network Router

Art Unit: 2131

**PETITION ACCOMPANYING STATEMENT OF
FACTS PURSUANT TO 37 CFR 1.47(a)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Richard Jerome Morris and Robert Fung-chen Pan (joint inventors) petition to proceed with this application under 37 CFR 1.47(a) because joint inventor Bruce S. Campbell cannot be found or reached after diligent effort.

The declaration of Karen Orzechowski, accompanying this petition, sets forth facts in support of the petition.

Please charge the Petition Fee of \$130.00 (37 CFR 1.17(i) to
Deposit Account No. 09-0464. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By Joscelyn G. Cockburn
Joscelyn G. Cockburn
Attorney of Record, Reg. No. 27,069

JGC/ko
Enclosures
Phone: 919-543-9036 / Fax: 919-543-3634

06/22/2001 CNGUYEN 00000048 090464 09770165

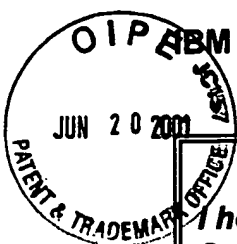
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- 1 -

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JUN 26 2001

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CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))
I hereby certify this correspondence is being deposited with the United States Postal service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 18, 2001,
by Karen Orzechowski Signature: Karen Orzechowski

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: June 14, 2001
In re Application of: R. F. Pan, et al.
Serial Number: 09/770,165
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FACTS PURSUANT TO 37 CFR 1.47(a)

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Respectfully submitted,

By Joscelyn G. Cockburn
Joscelyn G. Cockburn
Attorney of Record, Reg. No. 27,069

JGC/ko
Enclosures
Phone: 919-543-9036 / Fax: 919-543-3634

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: June 14, 2001

In re Application of: Robert Fung-chen Pan, et al.

Serial Number: 09/770,165

Filed: Jan. 26, 2001

For: Network Router

Art Unit: 2131

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF
NONSIGNING INVENTOR (37 CFR 1.47)**

1. I, Karen Orzechowski, have been an employee of the IBM Corporation from July 3, 1978 to present.
2. My current job is Assistant to Joscelyn G. Cockburn, Attorney of Record for Application Serial No. 09/770,165.
3. Exhibit A (Agreement Regarding Confidential Information and Intellectual Property) attached hereto has been executed by Bruce Campbell. The agreement indicates Bruce Campbell was employed by IBM on or about August 21, 1989. Items 4 and 5 of the agreement indicate Bruce Campbell is obligated to assign, disclose and execute documents in order for IBM to perfect its right in any Intellectual Property (e.g. patents, copyright, etc.) in which he is sole or joint inventor.
Bruce S. Campbell separated from IBM on March 31, 2000.
4. March 15, 2001: I forwarded, via USPS Certified Return Receipt Mail, to Bruce S. Campbell a package containing the above-identified patent application, drawings, Declaration and Power of Attorney, Assignment, etc. and a letter asking him to review the application and drawings, sign the Declaration and Power of Attorney and return in a self-addressed postage-paid U.S. Express Mail envelope enclosed in the package. Exhibit B, attached hereto, are copies of the Certified Mail Receipt with Bruce S. Campbell's last known address and the Instructional letter which was sent in the package.

5. March 28, 2001: I received in the mail the certified return receipt for the package, signed by Bruce Campbell (Exhibit C). The package was forward to his new address by USPS. Bruce Campbell signed for the package on March 24, 2001 and wrote in his new address of 3555 Sandpebble Dr. #645, San Jose, CA 95136.
6. April 19, 2001: I did not receive documents back from Bruce Campbell. I tried to locate him in the White Pages phonebook on the Web but no listing was found for a Bruce Campbell in San Jose, CA. I then prepared another package with the application, papers to sign, and postage-paid return envelope and cover letter (Exhibit D) and mailed it via USPS Certified Return Receipt again, addressed to the address in San Jose, CA.
7. May 23, 2001: I received the entire envelope back from USPS undelivered and stamped "unclaimed" after several attempts to deliver by USPS to Bruce Campbell (Exhibit E).
8. The above facts seem to indicate Bruce S. Campbell cannot be found or reached after diligent effort.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Karen Orzechowski

EXHIBIT A 09/77065 1

Agreement Regarding Confidential Information and Intellectual Property

In consideration of my employment by International Business Machines Corporation (IBM) or my continued employment at will by IBM, and the payment to me of the salary or other compensation that I shall receive during my employment, I agree as follows:

1. I will not, without IBM's prior written permission, disclose to anyone outside of IBM and its subsidiaries or use in other than IBM's and its subsidiaries' business, either during or after my employment, any confidential information or material of IBM or its subsidiaries, or any information or material received in confidence from third parties by IBM or its subsidiaries. If I leave the employ of IBM, I will return all property of IBM and its subsidiaries in my possession, including all confidential information or material such as drawings, notebooks, reports, and other documents.

Confidential information or material of IBM or its subsidiaries is any information or material:

- (a) generated or collected by or utilized in the operations of IBM or its subsidiaries that relates to the actual or anticipated business or research and development of IBM or its subsidiaries, or
(b) suggested by or resulting from any task assigned to me or work performed by me for or on behalf of IBM or its subsidiaries, and which has not been made available generally to the public.

2. I will not disclose to IBM or its subsidiaries, use in their business, or cause them to use, any information or material which is confidential to others.
3. I will comply, and do all things necessary for IBM and its subsidiaries to comply, with the laws and regulations of all governments under which IBM and its subsidiaries do business, and with provisions of contracts between any such government or its contractors and IBM or its subsidiaries that relate to intellectual property or to the safeguarding of information.
4. I hereby assign to IBM my entire right, title and interest in any idea, invention, design of a useful article (whether the design is ornamental or otherwise), computer program and related documentation, and other work of authorship (all hereinafter called "Developments"), hereafter made or conceived solely or jointly by me, or created wholly or in part by me, whether or not such Developments are patentable, copyrightable or susceptible to other forms of protection, and the Developments:
- (a) relate to the actual or anticipated business or research or development of IBM or its subsidiaries, or
(b) are suggested by or result from any task assigned to me or work performed by me for or on behalf of IBM or its subsidiaries.

In the case of any "other work of authorship," such assignment shall be limited to those works of authorship which meet both conditions (a) and (b) above.

The above provisions concerning assignment of Developments apply only while I am employed by IBM in an executive, managerial, product or technical planning, technical, research, programming or engineering capacity (including development, product, manufacturing, systems, applied science, and field engineering).

Excluded are any Developments that I cannot assign to IBM because of prior agreement with

JUN 26 2001

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which is effective until

DATE

(Give name and date or write "none").

I acknowledge that the copyright and any other intellectual property right in designs, computer programs and related documentation, and works of authorship, created within the scope of my employment, belong to IBM by operation of law.

5. In connection with any of the Developments assigned by Paragraph 4:
- (a) I will promptly disclose them to IBM Patent Operations or IBM management as appropriate; and
(b) I will, on IBM's request, promptly execute a specific assignment of title to IBM, and do anything else reasonably necessary to enable IBM to secure a patent, copyright or other form of protection therefor in the United States and in other countries.
6. IBM and its subsidiaries and their licensees (direct and indirect) are not required to designate me as author of any design, computer program or related documentation, or other work of authorship assigned in Paragraph 4 when distributed publicly or otherwise, nor to make any distribution. I waive and release, to the extent permitted by law, all my rights to the foregoing.
7. I have identified on the back hereof all Developments not assigned by Paragraph 4 in which I have any right, title or interest, and which were previously made or conceived solely or jointly by me, or written wholly or in part by me, but neither published nor filed in any patent office.

If I do not have any to identify, I have written "none" on this line: none

(It is in your interest to establish that any of the above were made, conceived or written before your employment by IBM. You should not disclose them in detail, but identify them only by the titles and dates of documents describing them. If you wish to interest IBM in any of them, you may contact External Submissions at Corporate Headquarters, which will provide you with instructions for submitting them to IBM.)

8. The term "subsidiaries," as used in this Agreement, includes any entity owned or controlled, directly or indirectly, by IBM.
9. With respect to the subject matter hereof, this is my entire agreement with IBM, and it supersedes (to the extent enforceable) all previous oral or written communications, representations, understandings, undertakings, or agreements by or with IBM.
10. I acknowledge receipt of a copy of this Agreement.

<u>Bruce Strickler Campbell</u> Employee's Full Name (please print)	<u>Bruce Strickler Campbell</u> Employee's Signature	<u>622356</u> Employee Serial	<u>8/20</u> Date
<u>C.D. Williams</u> Employee's Manager/IBM Representative (please print)	<u>C.D. Williams</u> Signature	<u>8-21-89</u> Date	

(If you have entered "none" in Paragraph 7, do not fill in this section.)

The following are Developments not covered by Paragraph 4, in which I have any right, title or interest, and which were previously conceived or written either wholly or in part by me, but neither published nor filed in any Patent Office:

Description of Documents (if applicable):

Title on Document	Date on Document	Name of Witness on Document
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signed: _____
Employee's Full Name

Date: _____



EXHIBIT B
09/770165

PO Box 12195
Research Triangle Park, NC 27709



Dept. 2Y7/B656

Mr. Bruce S. Campbell
2901-24 Springsweet Lane
Raleigh, NC 27612

Ref: IBM Patent Application Docket: RAL919990012US1 "Network Router"

Dear Mr. Campbell:

Enclosed is a copy of the subject patent application and drawings filed in the U.S. Patent Office without signatures on January 26, 2001. In addition, a Declaration and Power of Attorney, Assignment, an Information Disclosure Statement form (labeled "Important Legal Notice to Inventor"), Taiwan oath and Thailand oath are also enclosed.

After reviewing the patent application and drawings, please sign and date each of the above forms in blue ink (exactly as your name is spelled out and as legibly as possible) in the appropriate places and return them with the patent application and drawings. An express mail envelope with the return mailing label is enclosed for your convenience. Please note, **no postage** is necessary as it will be charged to the corporate account.

Please note that the application and drawings are **IBM CONFIDENTIAL** which should not be disclosed or copied.

If you have any questions or comments, you may call me at 919-543-9036 or send me a letter or e-mail at cockburn@us.ibm.com, or contact my assistant Karen Orzechowski at 919-543-7860, karenor@us.ibm.com.

Sincerely,

Joscelyn G. Cockburn
Senior IP Law Attorney

JGC:ko
Enclosures

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JUN 26 2001
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U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

2899 5905 6100 0046 6602

Postage	\$ 1.81
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21



Recipient's Name (Please Print Clearly) (to be completed by mailer)
Bruce S. Campbell
Street, Apt. No., or PO Box No.
2901-24 Springsweet Lane
City, State, ZIP+4
Raleigh NC 27612

PS Form 3800, February 2000

See Reverse for Instructions







EXHIBIT C
09/770165

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Received by (Please Print Clearly) <u>Bruce S. Campbell</u> B. Date of Delivery <u>3/24/01</u></p> <p>C. Signature <u>X Ben Spaul</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
1. Article Addressed to: <u>Bruce S. Campbell</u> <u>2901-24 Springsweet Lane</u> <u>Raleigh, NC 27612</u> <u>3555 SANDPEBBLE DR</u> <u># 645</u> <u>SAN JOSE CA 95134</u>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Copy from service label) <u>7099 3400 0019 5065 6682</u>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

EXHIBIT D
09/770165

IBM Corporation
3039 Cornwallis Rd.
Dept. 2Y7/B656
RTP, NC 27615

April 19, 2001

Mr. Bruce S. Campbell
3555 Sandpebble Drive #645
San Jose, CA 95136

Ref: IBM Patent Application Docket: RAL919990012US1 "Network Router"

Dear Mr. Campbell:

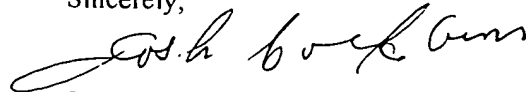
This is regarding the package we sent to you containing a copy of the subject patent application and drawings filed in the U.S. Patent Office without signatures on January 26, 2001, and the papers for your signature needed - Declaration and Power of Attorney, Assignment, an Information Disclosure Statement form (labeled "Important Legal Notice to Inventor"), Taiwan oath and Thailand oath. We received the U.S. Post Office Return Receipt signed by you on March 24, 2001, but have not received the papers back from you yet, nor received any phone calls or email notes. **The US Patent Office due date for submitting the signed papers by all inventors is May 7, 2001.**

Since your address changed, enclosed are the revised papers showing your new address that was written on the U.S. Post Office Return Receipt (3555 Sandpebble Drive #645, San Jose CA 95136). Please sign and date each of the above forms in blue or black ink in the appropriate places and return them with the patent application and drawings in the express mail envelope with the return mailing label enclosed for your convenience. Please note, **no postage** is necessary as it will be charged to the corporate account. NOTE: If you have already mailed the package with the original papers, you may disregard this letter. It is acceptable for you to cross out the old address and legibly write in the new address and initial the change.

Please note that the application and drawings are **IBM CONFIDENTIAL** which should not be disclosed or copied.

If you have any questions or comments, you may call me at 919-543-9036 or send me a letter or e-mail at cockburn@us.ibm.com, or contact my assistant Karen Orzechowski at 919-543-7860, karenor@us.ibm.com. Upon receipt of the signed papers, IBM will give you an honorarium check. Thanks in advance for your kind cooperation.

Sincerely,




Joscelyn G. Cockburn
Senior IP Law Attorney

JGC:ko
Enclosures

Z 168 175 273
US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to Bruce S. Campbell	
Street & Number 3555 Sandpebble Dr. #645	
Post Office, State, & ZIP Code San Jose, CA 95136	
Postage	\$ 2.02
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.50
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 5.42
Postmark or Date	



PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Bruce S. Campbell
3555 Sandpebble Drive #645
San Jose, CA 95136

4a. Article Number

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Thank you for using Return Receipt Service.

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102595-97-B-0179

Domestic Return Receipt

Z 168 175 273

MAIL

PS Form 3800, April 1995

Z 168 175 273
US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to Bruce S. Campbell	
Street & Number 3555 Sandpebble Dr. #645	
Post Office, State, & ZIP Code San Jose, CA 95136	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Fold at line over top of envelope to the right of the return address

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POST OFFICE TO ADDRESSEE

EI855833632US

ORIGIN (POSTAL USE ONLY)		DELIVERY (POSTAL USE ONLY)	
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Delivery Attempt	Time
Date In		Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Delivery Attempt	Employee Signature
Time In	Military	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Date of Delivery	Employee Signature
Weight	Int'l Alpha Country Code	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
lbs. ozs.	Acceptance Clerk Initials	Signature of Addressee or Agent	Employee Signature
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Total Postage & Fees \$		

CUSTOMER USE ONLY	
METHOD OF PAYMENT:	
Express Mail Corporate Acct. No.	277 010
Federal Agency Acct. No. or Postal Service Acct. No.	

CUSTOMER USE ONLY	
FROM: (PLEASE PRINT)	TO: (PLEASE PRINT)
PHONE	PHONE
Bruce S. Campbell 3555 Sandpebble drive San Jose, CA 95136	IBM Corporation Josh G. Cockburn IP Law Dept. 2Y7/656 3039 Cornwallis Rd. RTP, NC 27709

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Label 11-B October 1995

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09/770165

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NC 27701
APR 27 1981
AMOUNT
\$5.40
00057911



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1ST NOTICE
2ND NOTICE
RETURN 5-11-01

4/24/81

Bruce S. Campbell
3555 Sandpelle Drive #645
San Jose CA 95136

Fold at line over top of envelope to
the right of the return address

CERTIFIED

Z 168 175 273

MAIL

UNCLAIMED

J. Cockburn
Int'l. Bus. 347/656
Dept. 3039 Cornwallis Rd.
International Business Machines Corporation
P.O. Box 12195
Research Triangle Park, NC 27709

00-0000-00

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Print "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Bruce S. Campbell
3555 Sandpebble Drive #645
San Jose, CA 95136

4a. Article Number

Z 168175273

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD
- 7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102395-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.